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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,540	08/23/2001	Mark Kirkpatrick	00584	8674

26285 7590 10/22/2004

KIRKPATRICK & LOCKHART LLP  
535 SMITHFIELD STREET  
PITTSBURGH, PA 15222

EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/935,540	<b>Applicant(s)</b> KIRKPATRICK, MARK	
	<b>Examiner</b> Karen Le	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's response filed on July 7, 2004. Claims 1-5, 7-10, and 13-17, are now pending in the present application. **This action is made non-final.**

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-10, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication "LASS: Putting the telephone customer in charge" by Brant Hirschman, grant swinehart, and Marie Todd on May 1985 in view of McConnell (U.S. 5,436,957).

Regarding claims 1 and 13 the Hirschman teaches in a telecommunication system and apparatus configured to provide a connection between a caller and a callee (page 14, column 2, lines 26-27), a method for blocking future calls from the caller to the callee (page 14, column 2, lines 21-24), the method comprising:

Connecting a call from the caller to the callee (page 14, column 2, lines 26-27);-  
receiving an instruction from the callee to block future calls from the caller to the callee (page 14, column 2, lines 27-29);  
identifying a first telephone number associated with the caller (page 14, column 2, lines 29-31), and

Preventing one or more phone calls from the first telephone number from being forwarded to a second telephone number associated with the callee (page 14, column 3, lines 2-9).

Hirschnam does not teach the use of Advanced Intelligent Network (AIN) in the telecommunication system to connect between a caller and a callee, Storing the first telephone number associated with the caller in a caller block table in a service data point (SDP); and Preventing, via a service switching point (SSP), one or more phone calls from the first telephone number from being forwarded to a second telephone number associated with the callee. However, McConnel's system provides a centralized database within the telephone switching operations through multiple end offices. Local and toll offices of the public telephone network detect a call processing event identified as an AIN "trigger". An office that detects a trigger, however, will suspend call processing, compile a call data message and forward that message via a common channel interoffice signaling link to a Service Control Point (SCP) that includes the data base. The SCP can instruct the central office to obtain and forward additional information. The SCP accesses its stored data tables to translate the received message data into a call control message to the office of the network that then use the call control message to complete the particular call (McConnell, Fig. 1, items 40, 11, 15 , 17). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Hirschman's system to McConnel's system to provide a connection between a caller and a callee to allow the callee to prevent the caller from establishing the connection with the callee via an AIN.

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Regarding claims 2 and 14, Hirschman further teaches receiving an instruction from the callee includes: detecting an off-hook signal from callee; and receiving a predetermined code from the callee (page 14, column 2, lines 27-29).

Regarding claim 3, Hirschman further teaches predetermined code includes at least one of the following:

one or more digits; and one or more non-numeric symbols (page 14, column 2, lines 26-27).

Regarding claim 4, Hirschman further teaches identifying the first telephone number includes maintaining a record of the most recent telephone number that was a source of a call placed to the second telephone number immediately prior to receiving the callee's instruction to block future calls from the caller to the callee, and consulting the record to identify the most recent telephone number as the first telephone number (page 14, column 2, lines 27-32).

Regarding claim 5, Hirschman further teaches receiving the predetermined code includes: receiving a first portion of the predetermined code, prompting the callee to send a second portion of the predetermined code; and receiving the second portion of the predetermined code (page 14, column 2, lines 29-32).

Regarding claims 7-9, Hirschman further teaches prompting the callee to perform administration tasks, prompting the callee to record a message to be played to the caller, to select a pre-recorded message to be played to the caller (page 14, column 3, lines 5-9).

Regarding claim 10, Hirschman further teaches charging a subscription fee to the callee and charging a per-usage fee to the callee (page 10, column 1, lines 42-44).

Regarding claim 15, Hirschman does not teach comprising a database in communication with the SCP. However, McConnel teaches comprising a database in communication with the SCP (Col. 8, lines 15-24).

Regarding claim 16, Hirschman does not teach an interactive voice response system in communication with the SCP and the SSP. However, McConnel teaches an interactive voice response system in communication with the SCP and the SSP (Col. 7, lines 55-62).

Regarding claim 17 Hirschman does not teach comprising a service creation computer in communication with the SCP. However, McConnel teaches a service creation computer in communication with the SCP (Col. 8, lines 15-24).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5, 7-10, and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any response to this action should be mailed to:

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Or faxed to:

Hand-delivered responses should be brought to  
Crystal Park II, Sixth Floor (Receptionist)  
2121 Crystal Drive  
Arlington, VA 22202

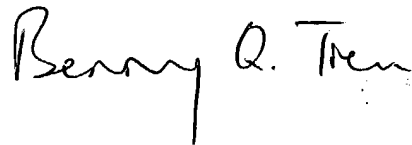
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le

KLL  
October 14, 2004



**BENNY TIEU  
PRIMARY EXAMINER**

A.U. 2642